

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PATRICIA WAGNER,

Plaintiff,

vs.

KEVIN CAMPBELL, in his individual  
capacity, et al;

Defendants.

**4:13CV3006**

**MEMORANDUM AND ORDER**

Defendant Kevin Campbell has adequately explained his failure to timely file a response to plaintiff's complaint, and has in all other respects zealously litigated this case. The plaintiff will not be prejudiced by permitting this defendant to respond to the complaint out of time: the response was less than a week late when plaintiff's motion for default was filed and this case is in the very early stages of the litigation. In contrast, the defendant will be substantially prejudiced if not permitted to file an answer, including any defenses to the plaintiff's claims.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff's motion for entry of default, (Filing No. 39), is denied.
- 2) Defendant Kevin Campbell's motion for leave to file a response to the plaintiff's complaint out of time, (Filing No. 40), is granted. Defendant Campbell's answer or response shall be filed on or before July 23, 2013.

July 15, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge